

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Kia L. Ragland a/k/a Kia L. Birch, Debtor(s)	:	Chapter 13
	:	
Anthony Birch,	:	
Movant,	:	Bankr. #20-14312/AMC
v.	:	
Kia L. Ragland,	:	11 U.S.C. § 362
a/k/a Kia L. Birch,	:	
Debtor,	:	
and	:	
William C. Miller,	:	Hearing Date: April 14, 2021, 11 A.M.
Chapter 13 Standing Trustee,	:	
Trustee.	:	

**AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY
TO RESUME EQUITABLE DISTRIBUTION PROCEEDINGS IN DIVORCE**

Anthony Birch (hereinafter “Movant”), by and through the undersigned counsel, the Law Offices of Sherri R. Dicks, P.C., hereby files this motion (hereinafter “Motion”) requesting the entry of an order granting relief from the automatic stay pursuant to Section 362(d) of Title 11 of the United States Code (hereinafter the “Code”); and granting such other and further relief as this Court deems just and proper in the matter of Kia L. Ragland, a/k/a Kia L. Birch (hereinafter “Debtor”)(together, “the Parties”). In support of the motion, Movant respectfully avers:

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U. S. C. §§ 157 and 1334. Venue is proper pursuant to 28 U. S. C. § 1408. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

1. Movant is the estranged spouse of Debtor.

2. A Complaint in Divorce was filed by Movant against the Debtor in or about March 2019 at the Court of Common Pleas, Philadelphia County, Family Division, March Term 2019, No. 8426 (hereinafter “Matter”).

3. The Matter had proceeded to the point of Equitable Distribution Master’s Hearing for the above-mentioned Complaint in Divorce, or final decision to be made in dissolution of the marriage.

4. Upon knowledge of the bankruptcy filing of the Debtor, the Matter was adjourned pending the decision for stay relief by this Honorable Court.

5. At the time of the Matter, neither Movant nor the Debtor opposed petitioning this Court for stay relief to permit the divorce proceedings to resume.

6. Movant requests that pursuant to the foregoing, that this Court enter an Order that provides that any Settlement between the Parties shall be non-dischargeable pursuant to 11 U.S.C. §§ 1328, 523(c); and Fed. R. Bankr. P. 4007(c), and cannot be eliminated by the instant bankruptcy filing, re-filing, or conversion to any other chapter of Bankruptcy, including, but not limited to Chapter 7, 11, or 12.

7. The Parties have joint ownership in the real estate located at 1933 Church Lane, Philadelphia, PA 19141, as listed on Schedules A/B and H.

8. There are no other joint debts held between the Parties.

9. Movant further requests that upon entry of this Order, within five (5) days of the final Equitable Distribution Agreement, Debtor be ordered to amend the current Chapter 13 Plan and Schedule A/B to reflect any excess equity as a result thereof.

10. Currently, the Voluntary Petition of the Debtor alleges equal ownership of the real estate listed on Schedule A but demands sixty percent (60%) distribution in her

answer to the Complaint in Divorce. Debtor further understands that this and any other amendment included herein may need to be executed post-confirmation.

11. Movant further avers that the language of this Motion for Relief and subsequent Order shall not be construed presumptively against any of the parties.

12. Movant also avers that any Order entered as a result of this Motion shall not constitute an admission of any of the allegations against either of the Parties, and shall not be considered as an admission of liability, wrongdoing or any improper action.

13. Movant further requests that this Court's Order provide that any violation of the covenants of the within Motion for Relief and/or Order by either party will cause that party to bear the legal fees and costs of litigating such violation.

WHEREFORE, based upon the foregoing, Movant Anthony Birch prays that this Honorable Court enter an Order granting relief from the automatic stay, and any other such relief that this Court deems fair and just.

Respectfully submitted,

LAW OFFICES OF SHERRI R. DICKS, P.C.

By: /s/Sherri Dicks
SHERRI DICKS
Counsel for Movant Anthony Birch